

ORDINANCE 1519

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AMENDMENTS TO NORTH BEND MUNICIPAL CODE SECTION 8.26.110 SOUNDS EXEMPT DURING DAYTIME HOURS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 8.26 of the North Bend Municipal Code prohibits making noise that interferes with another's enjoyment of their property if it exceeds certain decibel levels; and

WHEREAS, Section 8.26.110 provides exemptions from such noise prohibition for certain sounds and construction activities during the daytime hours; and

WHEREAS, recently the City has received a number of comments from citizens that these allowable sounds that are emitted from the new neighborhoods currently under construction often run late into the evening; and

WHEREAS, after careful review of the Municipal Code the City determined it was necessary to reduce the time frame when sounds would be exempt from 10:00 p.m. to 8:30 p.m.;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC 8.26.110 Sounds Exempt During Daytime Hours, Amended: North Bend Municipal Code Section 8.26.110 is hereby amended to read as follows:

8.26.110 Sounds exempt during daytime hours.

The following sounds are exempt from the provisions of this chapter between the hours of 7:00 a.m. to 8:30 p.m.

A. Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds and appurtenances including but not limited to lawn mowers, saws, hammering and garden-ing, but excluding sounds from race vehicles;

B. Sounds created by temporary blasting relating to an approved permit;

C. Sounds originating from temporary construction sites as a result of construction activity in all districts, except when the noise is received in a residential district between the hours of 8:30 p.m. and 7:00 a.m.;

D. Sounds created by the installation or repair of essential utility service;

E. Sounds created by aircraft, engine test-ing and maintenance not related to flight operations; provided, that aircraft testing and maintenance shall be conducted in remote sites whenever possible.

Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF MARCH, 2014.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 26, 2014

Effective: March 31, 2014

Susie Oppedal, City Clerk